

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JEREMY SHANE FOGLEMAN

PLAINTIFF

v.

CAUSE NO. 1:19CV559-LG-RHW

BAYSIDE CHRYSLER DODGE JEEP

DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION AND DENYING MOTION TO DISMISS**

BEFORE THE COURT is the [25] Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker, recommending that the [9] Motion to Dismiss filed by Defendant Bayside Chrysler Dodge Jeep be denied. Magistrate Judge Walker determined that the Court possesses subject-matter jurisdiction based on diversity of citizenship. He also found that there were sufficient facts pled to leave open the question of whether Defendant Bayside Chrysler Dodge Jeep in fact intentionally concealed the cause of Plaintiff's injury such that the fraudulent concealment tolled the applicable statute of limitations. Defendant Bayside Chrysler Dodge Jeep has not objected to the Magistrate Judge's findings and conclusions, and the time for doing so has passed.

Where no objection has been filed, the Court need only review the Proposed Findings of Fact and Recommendation to determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having conducted the required review, the Court finds the Magistrate Judge's findings and conclusions neither clearly erroneous nor contrary to law. Therefore, the Proposed Findings of Fact and Recommendation will be adopted as

the findings of this Court, and Bayside Chrysler Dodge Jeep's Motion to Dismiss will be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the [25] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert H. Walker on July 1, 2020, is **ADOPTED** as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the [9] Motion to Dismiss filed by Defendant Bayside Chrysler Dodge Jeep is **DENIED**.

SO ORDERED AND ADJUDGED this the 10th day of August, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE